



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PLANS ADMINISTRATION COMMITTEE
OF CITIGROUP, INC., IN ITS CAPACITY
AS PLAN ADMINISTRATOR OF THE
CITIGROUP HEALTH BENEFITS PLAN,

Plaintiff,

- against -

07 Civ. 3719 (DAB)
ORDER TO SHOW CAUSE

PIERS REDDY, STACY REDDY AND
SULLIVAN, PAPAIN, BLOCK,
MCGRATH & CANNAVO, P.C.,

Defendants.

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DEBORAH A. BATTS, United States District Judge.

The Court's records indicate that the Complaint in this action was filed on May 10, 2007. The Court's records indicate that individual Defendants, Piers Reddy and Stacy Reddy, and Defendant firm, Sullivan, Papain, Block, McGrath & Cannavo P.C., filed an executed Waiver of Service of Summons on July 10, 2007. To date, no Defendant has filed an Answer nor responded to Plaintiff's Complaint in any other way, and therefore are technically in default.

Accordingly, Plaintiff is hereby ORDERED TO SHOW CAUSE why its cause of action against Defendant should not be dismissed for failure to prosecute. See Lyell Theatre Corp. v. Loews Corp., 682 F.2d 37, 42 (2d Cir. 1982) (holding that a district court's authority to dismiss an action for plaintiff's failure to prosecute "cannot seriously be doubted").

If Plaintiff fails by October 10, 2007 to either (1) show cause, or (2) move for default judgment against Defendants, Plaintiff's cause of action against Defendants shall be dismissed for failure to prosecute. Plaintiff's showing of good cause, if any, shall be made by affidavit.

SO ORDERED.

Dated: New York, New York
September 10, 2007

 9/10/07

Deborah A. Batts
United States District Judge